



Interoffice Memorandum

AGENDA ITEM

June 19, 2017

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director *JVW*
Community, Environmental and Development Services
Department

**CONTACT PERSON: Carol Knox, Manager, Zoning Division
407-836-5585**

SUBJECT: July 11, 2017 – Consent Item
Airport Zoning Regulations

In order to comply with Chapter 333, Florida Statutes, on June 6, 1978, the Board of County Commissioners (Board) adopted Ordinance No. 78-10 which, among other things, recreated and renamed the Orlando-Orange County Airport Zoning Board, the Orlando-Orange County Airport Zoning Commission, and the Orlando-Orange County Airport Zoning Board of Adjustment (collectively, the "Airport Boards"). Ordinance No. 78-10 was later codified at Chapter 7, Orange County Code ("Aviation"). The Airport Boards rarely met and records indicate the last meeting was sometime in 2003.

In 2016, the Florida Legislature amended Chapter 333, Florida Statutes. Those amendments required, among other things, that the County, along with any other political subdivision that has an airport hazard area within its territorial limits, jointly adopt, administer, and enforce a uniform set of airport protection zoning regulations.

In order to comply with the updated requirements of Chapter 333, Florida Statutes, beginning in February of this year, County staff began meeting with representatives from the City of Orlando as well as representatives from the Greater Orlando Aviation Authority ("GOAA"). GOAA later met with representatives from all of the other affected jurisdictions. Collectively, this group has agreed upon a form of Airport Zoning Regulations as well as an Interlocal Agreement, which outlines the responsibilities of each jurisdiction (the "Interlocal Agreement") to adopt such Airport Zoning Regulations into their respective codes.

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Airport Zoning Regulations

If approved, the Interlocal Agreement would serve two purposes. First, it would fulfill the legislatively imposed requirement under Chapter 333, Florida Statutes, for the County to adopt “by interlocal agreement, ordinance, regulation, or resolution” airport zoning regulations by July of 2017. Second, it outlines the form of the Airport Zoning Regulations that, pursuant to Section 3 of the Interlocal Agreement, the County has agreed to adopt via a future amendment to Chapter 7 of the County Code.

The proposed Airport Zoning Regulations are attached as Exhibit 1 to the proposed Interlocal Agreement and Exhibit A is a map outlining the areas surrounding both Orlando International Airport and Orlando Executive Airport within which the proposed Airport Zoning Regulations would apply.

Staff is requesting that the Board approve the Interlocal Agreement so that staff may proceed with amendments to Chapter 7, Orange County Code, in order to fulfill the requirements of Chapter 333, Florida Statutes, and comply with the terms of the Interlocal Agreement.

ACTION REQUESTED: Approval and execution of Interlocal Agreement among Orange County, Florida and City of Orlando, Florida and Seminole County, Florida and Osceola County, Florida and Winter Park, Florida and Oviedo, Florida and Belle Isle, Florida and Kissimmee, Florida and The Greater Orlando Aviation Authority regarding Airport Zoning Ordinance. All Districts

JVW.CLK:wee

Attachment

BCC Mtg. Date: July 11, 2017

INTERLOCAL AGREEMENT
AMONG
ORANGE COUNTY, FLORIDA
AND
CITY OF ORLANDO, FLORIDA
AND
SEMINOLE COUNTY, FLORIDA
AND
OSCEOLA COUNTY, FLORIDA
AND
WINTER PARK, FLORIDA
AND
OVIEDO, FLORIDA
AND
BELLE ISLE, FLORIDA
AND
KISSIMMEE, FLORIDA
AND
THE GREATER ORLANDO AVIATION AUTHORITY
REGARDING
AIRPORT ZONING ORDINANCE

THIS INTERLOCAL AGREEMENT is made and entered into this ____ day of _____, 2017, by and among **Orange County, Florida**, a Charter County and political subdivision of the State of Florida (“Orange County”), the **City of Orlando, Florida** a municipal corporation created and existing under the laws of the State of Florida (“Orlando”), **Seminole County, Florida**, a Charter County and political subdivision of the State of Florida (“Seminole County”), **Osceola County, Florida**, a Charter County and political subdivision of the State of Florida (“Osceola County”), **Winter Park, Florida**, a municipal corporation created and existing under the laws of State of Florida (“Winter Park”), **Oviedo, Florida**, a municipal corporation existing under the laws of the State of Florida (“Oviedo”), **Belle Isle, Florida**, a municipal corporation existing under the laws of the State of Florida (“Belle Isle”), **Kissimmee, Florida**, a municipal corporation existing under the laws of the State of Florida (“Kissimmee”), and the **Greater Orlando Aviation Authority**, a public agency authorized by Ch. 98-492, Laws of Florida (“GOAA”); referred to herein collectively as the “Local Governments” and each as a “Local Government”.

RECITALS

WHEREAS, the Local Governments recognize their respective obligations, in the interest of the public health, safety and general welfare to prevent the creation of airspace hazards and the use of land that is incompatible with airport operations; and

WHEREAS, section 333.03, Florida Statutes (2016), requires every political subdivision that has an airport hazard area within its territorial limits, to adopt, administer, and enforce a set of airport protection zoning regulations; and

WHEREAS, section 333.03, Florida Statutes (2016) further requires that when an airport is owned or controlled by a political subdivision and if any other political subdivision has land upon which an obstruction may be constructed or altered which underlies any surface of the airport as provided in 14 C.F.R. part 77, subpart C, the political subdivisions adopt, administer, and enforce a set of airport protection zoning regulations; and

WHEREAS, sections 333.03 and 333.025, Florida Statutes (2016), require airport zoning protection regulations be adopted either by Interlocal Agreement or by ordinance, regulation, or resolution; and

WHEREAS, sections 333.03 and 333.025, Florida Statutes (2016), further require that such airport zoning protection regulations provide for a permitting process for the construction or alteration of any obstruction, including providing documentation showing compliance with the federal requirement for notification of proposed construction or alteration of structures and a valid aeronautical study submitted by each person applying for a permit and the criteria that must be considered when determining whether to issue or deny a permit; and

WHEREAS, the Local Governments have jurisdiction over all public airports within their limits and therefore have the power to prepare, adopt and enforce these regulations pursuant to Chapter 333, Florida Statutes, as amended, and such other authorities and provisions established in statutory or common law; and

WHEREAS, Chapter 163, Florida Statutes, provides that a joint exercise of power by public agencies may be made by Agreement in the form of an Interlocal Agreement; and

WHEREAS, each of the Parties have authority pursuant to Section 163.01, Florida Statutes (2016), to enter into Interlocal Agreements; and

WHEREAS, the Parties to this Interlocal Agreement desire to collaborate in the establishment of Airport Protection Zoning Regulations for Orlando International Airport, Orlando Executive Airport, and any other applicable airports within a Local Government's jurisdiction (collectively, the "Airports") an outline of which is attached hereto as **Exhibit "A"** and incorporated herein by this reference, in fulfillment of the foregoing statutory requirements.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, to include the mutual terms, conditions, promises and covenants hereinafter contained, the Parties agree as follows:

1. **Recitals.** The Recitals set forth above are true and correct and are incorporated herein and made a part of this Agreement.

2. **Authority.** This Agreement is a Florida Interlocal Cooperation Agreement negotiated, executed, and to be implemented expressly under the authority of the Florida Interlocal Act of 1969, as amended, section 163.01, Florida Statutes. The Local Governments hereby, and, accordingly, may exercise, jointly and bilaterally, those powers that each may exercise separately within the respective jurisdiction of each Local Government to prepare, adopt and enforce these regulations pursuant to Chapter 333, Florida Statutes, as amended. The Local Governments each hereby represents, warrants, and covenants to and with the other that this Interlocal Agreement has been validly approved by its respective governing body at a duly held public meeting, and that this Interlocal Agreement constitutes a legal, valid, and binding contract enforceable in accordance with the terms hereof.

3. **Duties of the Parties.** The Parties shall have the duty to adopt Airport Protection Zoning Regulations that contain substantially the same content as set forth in **Exhibit "1,"** attached hereto, and to perform their respective obligations pursuant to such Airport Protection Zoning Regulations all pursuant to Chapter 333, Florida Statutes, for the Airports.

4. **Force Majeure and Indemnification.**

(a) **Force Majeure.** In case any party hereto should be delayed in, or prevented from, performing or carrying out any of the agreements, covenants, and obligations made by and imposed upon said party by this Agreement, by reason of or through strike, stoppage in labor, failure of contractors or suppliers of materials and fuel, riot, fire, flood, ice, invasion, civil war, commotion, insurrection, military or usurped power, order of any Court granted in any bona fide adverse legal proceedings or action, order of any civil or military authority (either de facto or

dejure), explosion, act of God, or the public enemies or any cause reasonably beyond its control and not proximately attributable to its neglect; then and in such case or cases, all parties shall be relieved of performance under this Agreement for the duration of the period for which performance is delayed or prevented and shall not be liable to any other party for or on account of any loss, damage, injury, or expense resulting from or arising out of such delay or prevention; provided, however, that the party suffering such delay or prevention shall use due and practicable diligence to remove the cause or causes thereof; and provided, further, that no party shall be required by the foregoing provisions to settle a strike except when, according to its own best judgment, such a settlement seems advisable.

(b) Responsibility and Indemnification. Each Local Government, to the extent permitted by law, hereto expressly agrees to indemnify and save harmless and defend the other Local Government's against all claims, demands, cost or expense asserted by third parties and proximately caused by the negligence or willful misconduct of such indemnifying Local Government in connection with the operation of this Agreement.

5. Miscellaneous.

(a) Governing Law; Venue; Attorney's Fees and Costs.

(i) This Interlocal Agreement shall be governed by and construed in accordance with laws of the State of Florida.

(ii) Venue for any action arising out of or related to this Interlocal Agreement shall be in the Circuit Court for the Ninth Judicial Circuit in Orange County, Florida.

(iii) In the event a party deems it necessary to take legal action to enforce any provisions of this Interlocal Agreement, each party shall bear its own attorney's fees and costs at both the trial and appellate levels.

(b) Amendments. This Interlocal Agreement may be amended only by express written instrument approved by the governing body of the Local Governments, and executed by the authorized officers of each Local Government.

(c) Counterparts. This Interlocal Agreement and any amendments thereto may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

6. Notices. Written notices shall be given to the Local Governments at the following addresses or such other place or other person as each Local Government shall designate by similar notice:

| | |
|----------------|---|
| GOAA: | GREATER ORLANDO AVIATION AUTHORITY One Jeff Fuque Boulevard Orlando, Florida 32827-4399 Attn: Executive Director |
| Copy to: | Marchena and Graham, P.A. 976 Lake Baldwin Lane, Suite 101 Orlando, Florida 32814 Attn: Marcos R. Marchena |
| Orlando: | CITY OF ORLANDO 400 South Orange Avenue Orlando, FL 32801 Attn: Chief Administrative Officer |
| Copy to: | City Attorney Office of Legal Affairs 400 South Orange Avenue Orlando, Florida 32801 |
| Orange County: | ORANGE COUNTY, FLORIDA Attn: County Administrator P.O. Box 1393 Orlando, Florida 32801-1393 |
| Copy to: | County Attorney |

Orange County Administration Center
201 South Rosalind Avenue
Orlando, Florida 32801

Seminole County: Seminole County
Attn: Planning and Development
1101 East 1st Street
Sanford, FL 32771

Copy to: County Attorney
Seminole County
1101 East 1st Street
Sanford, FL 32771

Osceola County: Osceola County
Attn: Community Development
2 Courthouse Square
Kissimmee, FL 34741

Copy to: County Attorney
Osceola County
2 Courthouse Square
Kissimmee, FL 34741

Winter Park: City of Winter Park
401 South Park Avenue
Winter Park, Florida 32789
Attn: City Administration

Copy to: City Attorney
City of Winter Park
401 South Park Avenue
Winter Park, Florida 32789

Oviedo: City of Oviedo
400 Alexandria Blvd.
Oviedo, FL 32765
Attn: City Administration

Copy to: City Attorney
City of Oviedo
1001 Heathrow Park Lane
Suite 4001
Lake Mary, FL 32746

Belle Isle: City of Belle Isle
Attn: Planning & Zoning
1600 Nela Ave.
Belle Isle, FL 32809

Copy to: City Attorney
City of Belle Isle
1600 Nela Ave.
Belle Isle, FL 32809

Kissimmee: City of Kissimmee

Planning/Zoning Division
101 Church Street
Kissimmee, Florida 34741

Copy to: City Attorney
City of Kissimmee
101 Church Street
Kissimmee, Florida 34741


7. **FAA Required Contract Provisions.** Local Government agrees that it will comply with applicable statutes, Executive Orders and such rules as are promulgated to ensure that no person shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participating in any activity conducted with or benefiting from Federal assistance; provided, however, that this provision only binds Local Government to the extent that it performs work or services for or on behalf of GOAA at GOAA facilities pursuant to the authority granted under this Interlocal Agreement. This provision is in addition to that required of Title VI of the Civil Rights Act of 1964.

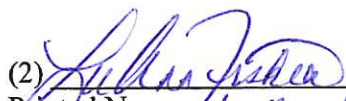
8. **Effective Date.** This Agreement shall become effective as to each Local Government upon execution of this Interlocal Agreement.

[SIGNATURE PAGES TO FOLLOW]

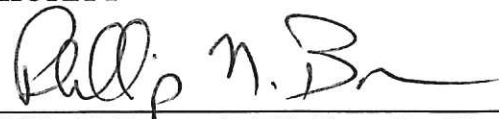
IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by their duly authorized officers, and copies delivered to each Party, as of the day and year first above stated.

TWO WITNESSES:

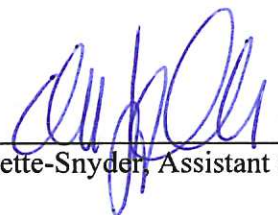
(1) 
Printed Name: Anne M. Farmer

(2) 
Printed Name: William Fisher

**GREATER ORLANDO AVIATION
AUTHORITY**

By: 
Phillip N. Brown, A.A.E., Executive Director
Date: 7/13/17; 2017

ATTEST:


Dayci S. Burnette-Snyder, Assistant Secretary

APPROVED AS TO FORM AND LEGALITY

On the 12th day of July, 2017 for the use and reliance of the Greater Orlando Aviation Authority, only.

Marchena and Graham, P.A., Counsel

By: 
Marchena and Graham, P.A.



CITY OF ORLANDO

CERTIFICATION

STATE OF FLORIDA)

COUNTY OF ORANGE)

I, Denise Aldridge, Orlando City Clerk, hereby certify that the attached is a true and correct copy of the signature page for Interlocal Agreement among Orange County, City of Orlando, Seminole County, Osceola County, Winter Park, Oviedo, Belle Isle, Kissimmee, and the Greater Orlando Aviation Authority regarding Airport Zoning Ordinance.

Said document was approved on June 19, 2017, by the Orlando City Council and filed Documentary #170619C03.

Given under my hand and the corporate seal of the City of Orlando, Florida, affixed this 13 day of July, 2017.

Denise Aldridge
Denise Aldridge
City Clerk

OFFICE OF CITY CLERK

CITY HALL ■ 400 SOUTH ORANGE AVENUE ■ 2ND FLOOR ■ P.O. BOX 4990 ■ ORLANDO, FLORIDA 32801-4990
PHONE 246-2251 • FAX 246-3613 • <http://www.ci.orlando.fl.us>

TWO WITNESSES:

CITY OF ORLANDO, FLORIDA

(1) Elizabeth Davidson
Printed Name: Elizabeth Davidson

(2) Stephanie Hardocai
Printed Name: Stephanie Hardocai

By: Tim Gray
Printed Name: Tim Gray
Title: Mayor Pro Tem
Date: June 19, 2017

ATTEST: Denise Aldridge
Printed Name: Denise Aldridge
Title: City Clerk

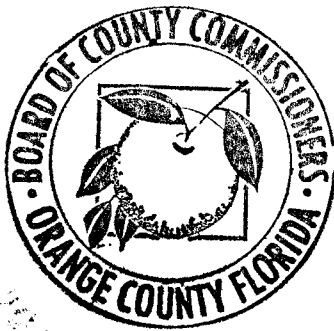
APPROVED AS TO FORM AND LEGALITY FOR
THE USE AND RELIANCE OF THE CITY OF
ORLANDO, ONLY, THIS 13th DAY OF
July, 2017.

By: Melissa Clarke Assistant City Attorney
Printed Name: Melissa Clarke

ATTEST:

Phil Diamond, CPA, County Comptroller,
as Clerk of the Board of County
Commissioners

By: Katie Smith
Deputy Clerk



ORANGE COUNTY:

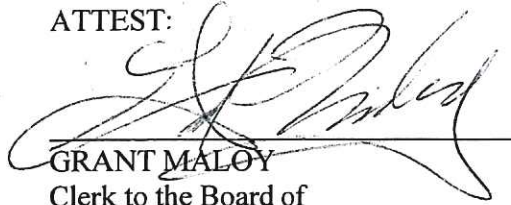
ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: Terresa Jacobs
Orange County Mayor

Execution Date: July 11, 2017


ATTEST:



GRANT MALOY
Clerk to the Board of
County Commissioners of
Seminole County, Florida.

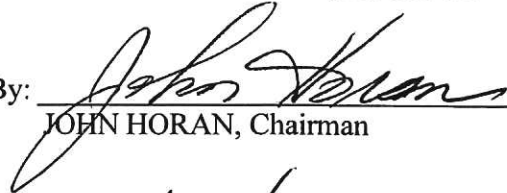
For the use and reliance
of Seminole County only.

Approved as to form and
legal sufficiency.


County Attorney

SEMINOLE COUNTY:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: 
JOHN HORAN, Chairman

Date: 6/27/17

As authorized for execution by the Board of
County Commissioners at its June 27
20 17, regular meeting.

Interlocal Agreement among Orange County, City of Orlando, Seminole County,
Osceola County, the cities of Winter Park, Oviedo, Belle Isle, Kissimmee,
and the Greater Orlando Aviation Authority regarding Airport Zoning Regulations.

ATTEST:

~~CPA, County Comptroller,~~
~~as~~ Clerk of the Board of County
Commissioners

By: *Dorothy T. [Signature]*

Clerk

Interlocal agreement with Orange County,
City of Orlando, Seminole County,
City of Winter Park, City of Oviedo
City of Belle Isle, City of Kissimmee,
and Greater Orlando Aviation Authority

OSCEOLA COUNTY:

OSCEOLA COUNTY, FLORIDA

By: Board of County Commissioners

By: *[Signature]*

Print Name: Brandon Arrington
Osceola County Chairman

Execution Date: July 17, 2017



STATE OF FLORIDA, COUNTY OF OSCEOLA - I HEREBY CERTIFY
that the above and foregoing is a true copy of the
original document recorded in the public records.
Clerk of the Board of County Commissioners

Date: 7/24/17

By: *Paula J. Carpenter*
BCC Clerk



ATTEST:

Clerk of City Council

By: _____
Clerk

WINTER PARK:

WINTER PARK, FLORIDA

By: City Council

By: _____
Print Name:
Winter Park Mayor

Execution Date: _____, 20__

ATTEST:

Clerk of the City Council

By: _____
Clerk

OVIEDO:

CITY OF OVIEDO, FLORIDA

By: City Council

By: _____
Print Name:
Oviedo Mayor

Execution Date: _____, 20__

ATTEST:

Clerk of the City Council

By: 

Clerk

BELLE ISLE:

CITY OF BELLE ISLE, FLORIDA

By: City Council

By: 

Print Name: Lydia Pisano

Belle Isle Mayor

Execution Date: June 20, 2017

ATTEST:

Clerk of the City Council

By: _____
Clerk

KISSIMMEE:

CITY OF KISSIMMEE, FLORIDA

By: City Council

By: _____
Print Name:
Kissimmee Mayor

Execution Date: _____, 20__

EXHIBIT "1"
FORM OF AIRPORT PROTECTION ZONING REGULATIONS

Exhibit "1"

Airport Zoning Regulations

[Insert Local Government]
Orlando International Airport (MCO)
Orlando Executive Airport (ORL)
[Insert Applicable Airports]

Greater Orlando Aviation Authority
Drafted by:
Christopher J. Wilson, Esq.
Marchena and Graham, P.A.
976 Lake Baldwin Lane, Suite 101
Orlando, Florida 32814
(407) 658-8566

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SECTION 1

[INSERT LOCAL GOVERNMENT] ZONING ORDINANCE

1.1 Title

These regulations will be known and cited as "Airport Zoning Regulations for [insert applicable airports] (collectively the "Regulations").

1.2 Authority

The [Insert Local Government] is a public body corporate having jurisdiction over all public airports within the [Insert Local Government]. The [Insert Local Government] has the power to prepare, adopt and enforce these regulations pursuant to Chapter 333, Florida Statutes, as amended. These regulations apply to all land within the [Insert Local Government], with exception of the property owned by the [Insert Local Airport Authority] and operated as a public use general aviation or commercial service airport. The [Insert Airport Authority] is required by Federal Aviation Administration regulations to protect the airspace surfaces being regulated herein and therefore there is not a need for [Insert Local Government] review or oversight which would be duplicative.

1.3 Findings

The [Insert Local Government] hereby finds that:

- A. The creation or establishment of an airport obstruction hazardous to the operation of aircraft reduces the navigable airspace available to the region served by the Airport;
- B. It is necessary, in the interest of the public health, public safety, and general welfare, to prevent the creation of airspace hazards and the use of land incompatible with Airport operations;
- C. The prevention of these hazards and incompatible land uses should be accomplished, to the extent legally possible, without compensation; and

- D. Preventing the creation or establishment of hazards and incompatible land uses, as well as the elimination, removal, alteration or mitigation of hazards and incompatible land uses are public purposes for which the [Insert Local Government] may raise and expend public funds.

1.4 Purpose

Based on the findings set forth in section 1, the purposes of these regulations are as follows:

- A. To promote the maximum safety of aircraft using the Airport;
- B. To promote the maximum safety of persons and property located near the Airport;
- C. To promote the full utility of the Airport to ensure the welfare and convenience of the citizens and visitors of [Insert Local Government];
- D. To provide limits on the height of structures and objects of natural growth within the 14 CFR Part 77 surface primary, horizontal, conical, approach and transitional, Terminal Instrument Procedures ("TERPS") surfaces, and other imaginary airport airspace surfaces (One Engine Inoperative-Obstacle Identification Surfaces as defined in AC 120-91 and ICAO Annex 6 ["OEI"], Threshold Siting Surface ["TSS"]), as defined herein, to ensure proper and sound development of the areas within these surfaces;
- E. To discourage new land uses, activities or construction incompatible with existing and planned airport operations or public health, safety and welfare; and
- F. To provide administrative procedures for the efficient and uniform review of land development proposals in the areas surrounding the Airport.

SECTION 2

DEFINITIONS AND RULES OF INTERPRETATION

2.1 Definitions

For the purpose of these Regulations, certain words and terms used herein are defined as follows:

- A. Aeronautical Study. A Federal Aviation Administration study, conducted in accordance with the standards of 14 CFR 77, subpart C, and Federal Aviation Administration policy and guidance, on the effect of proposed construction or alteration upon the operation of air navigation facilities and the safe and efficient use of navigable airspace.
- B. Aircraft. Any fixed wing, blimp, airship or rotorcraft device capable of atmospheric flight and requiring a paved or turf landing or take-off area.
- C. Airport. Any area of land or water designed and set aside for the landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purpose which, for the purposes of these Regulations, means Orlando International Airport and Orlando Executive Airport [and any other applicable airport].
- D. Airport Board of Adjustment. The [Insert Local Government] [Insert Designated Board], or such other board appointment by the [Insert Local Government], acting pursuant to the terms and provisions of Chapter 333, Florida Statutes, created to carry out the obligations set forth in section 6 below.
- E. Airport Elevation. The highest point of an Airport's usable landing area measured in feet above mean sea level.
- F. Airport Hazard. An obstruction to air navigation which affects the safe and efficient use of navigable airspace or the operation of planned or existing air navigation and communication facilities.
- G. Airport Hazard Area. Any area of land or water upon which an Airport Hazard might be established.
- H. Airport Height Zone. Any area described herein or shown on the Airport Height Zoning Map indicating the height at which a proposal for development, construction, establishment,

enlargement or substantial alteration or repair of a structure requires an airport height zoning permit.

- I. Airport Height Zoning Map. A map depicting the Airport Height Zones, attached hereto and incorporated herein as Exhibit "A".
- J. Airport Land Use Compatibility Zoning. Airport zoning regulations governing the use of land on, adjacent to, or in the immediate vicinity of airports.
- K. Airport Layout Plan or ALP. A set of scaled drawings that provides a graphic representation of the existing and future development plan for the Airport and demonstrates the preservation and continuity of safety, utility, and efficiency of the Airport.
- L. Airport Master Plan. A comprehensive plan of an airport which typically describes current and future plans for airport development designed to support existing and future aviation demand.
- M. Airport Obstruction. Any existing or proposed structure or object of natural growth that exceeds federal obstruction standards as contained in 14 CFR §§ 77.13, 77.15, 77.17, 77.19, 77.21, 77.23 and any other Federal Airspace obstruction related standards such as OEI, TERPS and TSS.
- N. Airspace Surface. Any surface established and described in these Regulations used to evaluate whether an application for an airport height zoning permit or any existing or proposed structure or object of natural growth complies with federal obstruction standards as contained in 14 CFR §§ 77.13, 77.15, 77.17, 77.19, 77.21 and 77.23; terminal instrument procedures as contained in Federal Aviation Administration Order 8260.3C and Order 8260.58A, TERPS, federal regulations for turbine powered aircraft as contained in 14 CFR § 121.189, OEI, and TSS.
- O. Airport Surveillance Radar (or ASR). A radar used for FAA air traffic management.
- P. Airport Zoning Director. The Director of Planning of the [Insert Local Government], or a designee of the [Insert Local Government]'s Director of Planning, who shall be responsible for administering and enforcing these Regulations.

- Q. Airspace Hazard. Any structure, object of natural growth or use of land which would exceed federal obstruction standards as contained in 14 CFR §§ 77.13, 77.15, 77.17, 77.19, 77.21 and 77.23, TERPS, OEI, TSS, and which obstructs the airspace required for the flight of aircraft in taking off, maneuvering or landing or is otherwise hazardous to such taking off, maneuvering or landing of aircraft and for which no person has previously obtained a permit pursuant to these regulations.
- R. Authority. [Insert Local Airport Authority and if multiple add additional definition].
- S. Authority Board. The Board of the [Insert Local Airport Authority and if multiple add additional definition].
- T. Authority Planning Director. The Director of Planning of the Authority, or a designee of the Authority's Director of Planning, who shall be an ex-officio member of the Airport Board of Adjustment, shall review all applications submitted to the [Insert Local Government and if multiple enter specificity to differentiate planning directors] under this Ordinance and provide an analysis of same with recommendations for use by the Airport Zoning Director.
- U. Avigation Easement. The right to use the airspace over real property.
- V. [Insert Local Government]. The [Insert Local Government], Florida.
- W. County. [Insert Applicable County].
- X. Educational Facility. Any Structure, land, or use that includes a public or private kindergarten through 12th grade school, charter school, magnet school, college campus, or university campus. The term does not include space used for educational purposes within a multitenant building.
- Y. Existing Nonconforming Use. Any structure, object of natural growth, or use of land that does not conform to the provisions of these Regulations or any amendments hereto as of the effective date of such regulation or amendment.

- Z. Federal Aviation Administration (or FAA). A federal agency charged with regulating air commerce to promote its safety, encouraging and developing civil aviation, air traffic control and air navigation and promoting the development of a national system of airports.
- AA. Non-Vertically Guided Instrument Runway. A runway having an existing, published, or planned instrument approach procedure utilizing air navigation facilities with only lateral [horizontal] guidance or area type navigation equipment, for which a straight-in non-vertically guided instrument approach procedure has been approved or planned on a FAA planning document or approved airport layout plan.
- BB. Object of Natural Growth. Any organism of the plant kingdom, including a tree.
- CC. Person. Any individual, firm, co-partnership, corporation, company, association, joint-stock association or body politic, including any trustee, receiver, assignee or other similar representative thereof.
- DD. Vertically Guided Instrument Runway. A runway having an existing, published, or planned instrument approach procedure utilizing air navigation facilities or an Instrument Landing System ("ILS") with lateral and vertical guidance or area type navigation equipment, for which a straight-in vertically guided instrument approach procedure has been approved or planned, and for which a vertically guided approach is planned or indicated on an FAA planning document or approved airport layout plan.
- EE. Real Property. A lot, parcel, tract of land ,or water together with any structure, object of natural growth, or natural feature located thereon.
- FF. Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- GG. Runway Protection Zone. Area at the end of a runway designed to enhance the protection of people and property on the ground; the dimensions of which are based on aircraft category and

visibility minimums defined in FAA Advisory Circular 150/5300-13A, Change 1, entitled Airport Design and in accordance with 14 CFR § 151.9(b).

HH. Structure. Any permanent or temporary object, including but not limited to buildings, antenna, towers, cellular towers, smoke stacks, utility or light poles, overhead transmission lines, advertising signs, billboards, poster panels, fences, construction cranes, derricks, draglines, boom-equipped machinery, balloons, kites, watercraft, retaining walls, and navigation aids including but not limited to VORTAC, LLWAS, ASOS, approach lighting systems and radar facilities, as FAA Navigation Aids are defined in section 3.7(c).

II. Terminal Instrument Procedures (or TERPS). Criteria for terminal instrument procedures for arriving and departing aircraft as established in FAA Order 8260.3C and Order 8260.58A, entitled United States Standards for Terminal Instrument Procedures, OEI, TSS.

2.2 Abbreviations

For the purpose of these regulations, certain abbreviations will have the following meanings:

- A. AGL. Above ground level.
- B. ALP. Airport layout plan.
- C. AMSL. Above mean sea level.
- D. CFR. Code of Federal Regulations.
- E. FAA. Federal Aviation Administration.
- F. FCC. Federal Communications Commission.
- G. FDOT. Florida Department of Transportation.

2.3 Rules of Interpretation

Unless the natural construction of the wording indicates otherwise, all words used in the present tense include the future tense; all words in the plural number include the singular number; all words in the singular number include the plural number and all words of the masculine gender include correlative

words of the feminine and neuter genders. Any reference herein to a rule, statute, regulation or other legal requirement or form shall also include any modification, amendment, alteration or replacement thereof subsequent to the effective date hereof.

SECTION 3

ZONING AND HEIGHTS REQUIRING PERMIT, AIRPORT SURFACES, AND PERMIT PROCEDURES

3.1 Zones and Heights Requiring Airport Height Zoning Permit

In order to regulate the height of permanent and temporary structures and objects of natural growth, this section establishes permitting requirements in certain zones based on height. These zones, and the heights established for each zone, provide for the independent review by the [Insert Local Government] of the height of land development proposals over which the [Insert Local Government] may have jurisdiction to regulate, as well as objects of natural growth. No structure or object of natural growth that would exceed two hundred (200) feet AGL, any federal obstruction standards or the height for the zone in which it is located or proposes to be located may be developed, constructed, established, enlarged, substantially altered or repaired, approved for construction, issued a natural resources permit or building permit, or planted, allowed to grow or be replanted, unless either the Airport Zoning Director has issued an airport height zoning permit in accordance with these regulations. The zones and heights are depicted on the Airport Height Zoning Map, attached hereto and incorporated herein as Exhibit "A".

3.2 Airport Height Zoning Permit Application Procedure

A request for an airport height zoning permit may be initiated by filing with the Airport Zoning Director a completed application for airport height zoning permit on a form prescribed by the [Insert Local Government] including a copy of the Form 7460-1 and/or FAA's online OE/AAA website tool, Notice of Proposed Construction or Alteration filed with the FAA, as required pursuant to 14 CFR §§ 77.5, 77.7, 77.9

and 77.11. An FAA airspace review determination resulting from the submittal of a Notice of Proposed Construction or Alteration does not preclude the requirement to obtain an airport height zoning permit from the [Insert Local Government]. An application for an airport height zoning permit must contain a site survey, with an FAA accuracy code of 1A, which certifies the site coordinates and elevations with an accuracy of +/- 20-feet horizontal and +/- 3-feet vertical (all site coordinates must be based on North American Datum of 1983 and National Geodetic Vertical Datum of 1988); site plans; drawings and other data as may be necessary to enable the Airport Zoning Director to determine whether or not the proposal will comply with these Regulations. A separate application for an airport height zoning permit must be submitted for permanent or temporary derricks, draglines, cranes and other boom-equipped machinery to be used during construction or installation at heights greater than the height of proposed structure. Applications for an airport height zoning permit must be signed by the owner or an authorized agent of the owner.

3.3 Pre-Application Conference Procedure

Prior to submittal of any application for an airport height zoning permit, a prospective applicant shall request a pre-application conference with the Airport Zoning Director and may include the Authority Planning Director. The pre-application conference is to advise the applicant of the information needed for submittal and the standards and other requirements so that issues can be identified and costly modifications avoided. Information provided as a result of the conference is for conceptual purposes only, is given solely as a means to assist the applicant, and does not take the place of the formal application review process.

3.4 Review of Airport Height Zoning Permit Application

Before an application for an airport height zoning permit will be considered, the applicant must submit to the Airport Zoning Director a copy of the final airspace review determination by the FAA of the applicant's Notice of Proposed Construction or Alteration. Upon receipt of a completed application and copy of the

final determination, the Airport Zoning Director shall forward same to the Authority Planning Director and to the FDOT Aviation Office, via certified mail return receipt requested or via a delivery service that provides evidence of delivery. FDOT shall have fifteen (15) days to review the application for technical consistency with Chapter 333, Florida Statutes, with said review period running concurrently with the review by the [Insert Local Government] and the Authority Planning Director. The Authority Planning Director shall produce an analysis and recommendation as to consistency with these regulations to the Airport Zoning Director. The Airport Zoning Director upon receipt of the application and analysis from the Authority Planning Director will review the application for consistency with the height limits for the airspace surfaces as set forth in this section 3 and the guidelines, procedures and criteria set forth in chapter 6, section 3, part 2 of FAA Order 7400.2k, entitled Procedures for Handling Airspace Matters, as provided in section 3.6 herein. Within a period of twenty-one (21) calendar days from receipt of a completed application, the Authority Planning Director's analysis, and final determination by the FAA, the Airport Zoning Director will either approve or disapprove the application. The Airport Zoning Director may consider an application for an airport height zoning permit concurrently with the development plan approval. An incomplete application will be deemed abandoned one hundred eighty (180) calendar days after filing, unless pursued in good faith. The Airport Zoning Director may grant one extension of one hundred eighty (180) days. The extension must be requested in writing and justifiable cause demonstrated.

3.5 Airspace Surfaces

There are hereby created and established certain airspace imaginary surfaces in order to evaluate whether any existing or proposed structure or object of natural growth complies with federal obstruction standards as contained in 14 CFR §§ 77.13, 77.15, 77.17, 77.19, 77.21 and 77.23 terminal instrument procedures as contained in FAA Order 8260.3C and Order 8260.58A, entitled United States Standards for Terminal Instrument Procedures and federal regulations for turbine powered aircraft as contained in 14

CFR § 121.189. The airspace surfaces are hereby specified for the most restrictive approach existing or planned for each runway and any planned extension of existing runways and include all of the land lying beneath the airspace surface, as applied to each airport. Except as otherwise provided in these regulations, no application for an airport height zoning permit may be approved; no structure may be developed, constructed, established, enlarged, substantially altered or repaired, approved for construction, or issued a natural resources permit or building permit; and no object of natural growth may be planted, allowed to grow or be replanted, in any airspace surface at a height above the height limit established herein for the airspace surface in which the structure or object of natural growth is located or proposed to be located. Such height limits will be computed from mean sea level elevation, unless otherwise specified. The 14 CFR Part 77C (primary, horizontal, conical approach and transitional) airspace surfaces have been analyzed by the [Local Airport Authority] and are illustrated on the map incorporated herein as Exhibit "A" and further defined as illustrated in FAA Order 7400.2k, entitled Procedures for Handling Airspace Matters, and are defined as follows, as applied to MCO and ORL [Insert Additional Airports]. Definitions of 14 CFR Part 77 and the Airspace Surfaces that are illustrated in Exhibit "A" are available at the [Insert Local Airport Authority]'s website.

3.6 Objects Affecting Navigable Airspace

Any existing or proposed structure or object of natural growth that exceeds the standards for identifying and evaluating aeronautical effect as defined in section 3, chapter 6, part 2 of FAA Order 7400.2, entitled Procedures for Handling Airspace Matters, is presumed to be a hazard to air navigation unless an obstruction evaluation study determines otherwise. Any structure or object of natural growth in violation of the aforementioned standard will be evaluated by the FAA and the Airport Zoning Director to determine if the structure has a substantial adverse effect on navigable airspace affecting airport operations. The Airport Zoning Director shall take into account the above presumption in approving or denying an application for an airport height zoning permit.

3.7 Supportive Screening Criteria

A. Antenna Installations. Antenna installations used to transmit over navigable airspace may produce a harmful electromagnetic interference (EMI) with navigation aids or radio communications or aircraft, airport or air traffic control facility. An antenna installation must comply with the permitting requirements of this section unless the antenna is to be co-located on an existing structure and:

1. The antenna does not increase the height of the existing structure;
2. The structure has a current no hazard determination on file with the FAA; and
3. The transmission of the antenna has been coordinated and approved by the Federal Communications Commission (FCC).

B. FAA Navigation Aids. The FAA owns and operates navigation aids at MCO, ORL, [insert additional or applicable airports] and off airport property. These include, but are not limited to, Airport Surveillance Radar (ASR), Terminal Doppler Radar (TDR), Low Level Wind Shear Alert System (LLWAS), Omnidirectional Range Beacon/Tactical Air Navigation System (VORTAC), and Automated Surface Observation System (ASOS). The FAA provides guidance on the required clear areas around navigational aids ("navaid"). Any structure or object of natural growth within the vicinity of an FAA navaid must be evaluated by the FAA for interference with the navaid. If the FAA determines that such proposed structure or object of natural growth will adversely affect the utilization of the navaid, the Airport Zoning Director shall take the determination into account when reviewing the application.

3.8 Criteria for Approval or Disapproval of Airport Height Zoning Permit Application

A. Criteria. In determining whether to issue or deny an Airport Height Zoning Permit, the [Insert Local Government] must consider:

1. The safety of persons on the ground and in the air;

2. The safe and efficient use of navigable airspace;
3. The nature of the terrain and height of existing structures;
4. The effect of the construction or alteration of an obstruction on the state licensing standards for a public-use airport contained in Chapter 330, Florida Statutes, and rules adopted thereunder;
5. The character of existing and planned flight operations and developments at public-use airports;
6. Federal airways, visual flight rules, flyways and corridors, and instrument approaches as designated by the FAA;
7. The effect of the construction or alteration of an obstruction on the minimum descent altitude or the decision height at the affected airport; and
8. The cumulative effect on navigable airspace of all existing obstructions and all known proposed obstructions in the area.

B. Approval. A permit application for the construction or alteration of an obstruction may not be approved unless the applicant submits documentation showing both compliance with the federal requirement for notification of proposed construction or alteration and a valid aeronautical study, as defined in 14 CFR Part 77. A permit may not be approved solely on the basis that the FAA determined that such proposed structure or object of natural growth will not exceed federal obstruction standards and was not an airport hazard, as contained in 14 CFR Part 77, or any other federal aviation regulation(s). Upon consideration of the above requirements, as set forth in Section 333.025, Florida Statutes, and if the FAA has issued a determination that the proposed structure will not constitute an airspace hazard and the applicant has established by clear and convincing evidence provided to the Airport Zoning Director that the proposed structure or object of natural growth will not exceed the height limits established for the airspace surfaces as set

forth in section 3.5 and the standards referenced in sections 3.6 and 3.7, and will not otherwise constitute an airspace hazard, the Airport Zoning Director may approve an application for an airport height zoning permit. In the event of approval, the permit will be issued within fourteen (14) business days. No airport zoning height permit will be issued after the expiration date indicated on the FAA's final determination. Each airport height zoning permit will specify an expiration date as a condition. Development authorized by the permit must commence prior to the permit's expiration date and must continue without interruption in good faith until development is complete; otherwise it shall lapse. After a permit has been issued, no change, modification, alteration or deviation may be made from the terms or conditions of the permit without first obtaining a modification of the permit. A modification may be applied for in the same manner as the original permit.

- C. Disapproval. The Airport Zoning Director will not approve an application for an airport height zoning permit if the FAA has issued a determination that the proposed structure would constitute an airspace hazard or the Airport Zoning Director has determined that the proposed structure or object of natural growth would exceed the height limits established for the airspace surfaces as set forth in section 3.5 or the standards referenced in sections 3.6, 3.7 or otherwise would constitute an airspace hazard. Any decision of the Airport Zoning Director disapproving an airport height zoning permit application may be appealed as prescribed in section 6.4 herein.

3.9 Hazard Marking and Lighting

If a structure or object of natural growth meets the specifications set forth in Advisory Circular 70-7460-1L, Change 1 or otherwise as recommended by the FAA, the Airport Zoning Director shall require, as a condition of approval of an application for an airport height zoning permit, the applicant to install prior to the issuance of a certificate of occupancy, and to operate and maintain, at the applicant's own expense, such marking and/or lighting on the permitted structure as may be necessary to indicate to aircraft pilots

the presence of the structure or object of natural growth. Such marking and lighting must conform to the specific standards in FAA Advisory Circular 70-7460-1L, Change 1, entitled Obstruction Marking and Lighting and Section 14-60.009, Florida Administrative Code.

3.10 Permit Required in Addition to Those Issued by Other Agencies

A permit required by these regulations is in addition to any other building, zoning, environmental or occupancy permits required by any other governmental agency or jurisdiction. Pursuant to Section 125.022, Florida Statutes, issuance of a airport height zoning permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3.11 Rules of Interpretation

An area located in more than one of the described airport height zones or airspace surfaces must comply with the most restrictive height limit or surface. In the event a conflict arises between an Airspace Surface and the regulations as set forth in 14 CFR §§ 77.13, 77.15, 77.17, 77.19, 77.21 and 77.23; terminal instrument procedures as contained in FAA Order 8260.3c and Order 8260.58A entitled United States Standards for Terminal Instrument Procedures and federal regulations for turbine powered aircraft as contained in 14 CFR § 121.189, the most restrictive regulation will prevail, and any other FAA Advisory Circulars or guidelines relating to airspace.

SECTION 4

EXISTING NONCONFORMING USE

4.1 Existing Nonconforming Use

Any structure, object of natural growth, or use of land existing on the effective date of these regulations, which exceeds any height limit established herein or otherwise fails to comply with any provision of these regulations, is hereby declared to be an existing nonconforming use and in violation of these regulations.

4.2 Change of Existing Nonconforming Use

No existing nonconforming use may be enlarged, increased in height, expanded, replaced, substantially altered or repaired at a cost which exceeds fifty percent (50%) of the value of the existing nonconforming use, rebuilt, or allowed to grow higher or to be replanted, unless the Airport Zoning Director has issued an airport height zoning permit in conformance with these regulations.

4.3 Continuance of Existing Nonconforming Uses

- A. Existing Nonconforming Uses. Except as provided in sections 4.2 or 4.4 herein, nothing in these regulations will be construed to require removal, lowering, alteration, sound conditioning or other change to or interference with a nonconforming use in existence before the effective date of these Regulations. That continuation of any existing nonconforming use will be governed by the [Insert Local Government] airport zoning regulations in effect on the date of the creation of the existing nonconforming use, except as provided in sections 4.2 or 4.4 herein.
- B. Existing Nonconforming Educational Facilities. Except as provided in sections 4.4 herein, nothing in these Regulations will be construed to require removal, alteration, sound conditioning, or other change to or interference with the continued use, modification, or adjacent expansion of any educational facility in existence on or before July 1, 1993, or be construed to prohibit the construction of any new educational facility for which a site has been determined as provided in former Section 235.19, Florida Statutes as of July 1, 1993.

4.4 Abandoned or Deteriorated Existing Nonconforming Use

- A. Declaration of Abandoned or Deteriorated Existing Nonconforming Use. In the event the Airport Zoning Director determines an existing nonconforming use is abandoned or more than eighty percent (80%) torn down, destroyed, deteriorated, or decayed, no permit will be issued that would allow such existing nonconforming use to exceed the applicable height limit or otherwise deviate from these regulations; and whether application is made for a permit under these regulations or not, the Airport Zoning Director may petition the Airport Board of Adjustment, upon due notice to the owner of the existing nonconforming use or the owner of the real property on which it is located, to compel the owner to lower, remove, reconstruct, equip, or otherwise alter the abandoned, destroyed, deteriorated, or decayed nonconforming use as may be necessary to conform to these regulations. Upon receipt of such petition, the Airport Board of Adjustment will conduct a public hearing pursuant to these regulations after due notice to the owner. If, after a public hearing, the Airport Board of Adjustment determines the existing nonconforming use to be abandoned, or more than eighty percent (80%) torn down, destroyed, deteriorated, or decayed, the Airport Board of Adjustment may compel the owner, at the owner's own expense to lower, remove, reconstruct, equip, or otherwise alter the existing nonconforming use as may be necessary to conform to these regulations.
- B. Failure to Remove Abandoned or Deteriorated Existing Nonconforming Use. If the owner neglects or refuses to comply with such order within thirty (30) calendar days after notice thereof, the [Insert Local Government] may proceed to lower, remove, reconstruct, equip, or otherwise alter the structure or use and assess the cost and expense thereof on the structure or the real property whereon it is or was located.

SECTION 5

ADMINISTRATION, ENFORCEMENT, AND REMEDIES

5.1 Administration

The provisions of these regulations will be interpreted, administered, and enforced by the Airport Zoning Director, with input provided by the Authority Planning Director or other experts from the Authority. The duties of the Airport Zoning Director shall include that of hearing and deciding all permits and all other matters under these regulations except any of the duties or powers herein delegated to the Airport Board of Adjustment. The Airport Zoning Director shall coordinate the administration of these regulations with the Authority Planning Director and appropriate departments of the Authority, the FAA, the [Insert Local Government] and the FDOT.

5.2 Enforcement

In the event of a violation of these regulations or an order, ruling, or permit issued hereunder, the Airport Zoning Director shall request that the Code Enforcement Manager provide a citation in writing to the owner of the real property on which the violation is located. Such notice will indicate the nature of the violation and order the owner to lower, remove, reconstruct, equip, or otherwise alter the structure or object of natural growth in order to correct or abate the violation within a period of time set forth in the citation.

5.3 Remedies

- A. Penalty. Each violation of a regulation, order, ruling, or permit issued hereunder cited by the Airport Zoning Director constitutes a misdemeanor of the second degree punishable as provided in Florida Statutes. Each day a violation continues to exist will constitute a separate offense. Any person who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of these regulations, an order, ruling, or permit issued hereunder, upon conviction in the county court, will be fined not more than five hundred dollars (\$500.00) for each offense, or by imprisonment in the county jail for not more than sixty (60) days, or by both fine and imprisonment.

- B. Judicial Relief. In addition to the provisions of section 5.3(A), the General Counsel of the [Insert Local Government] is hereby authorized to institute in any court of competent jurisdiction an action on behalf of the [Insert Local Government] to prevent, restrain, correct, or abate any violation of these regulations, or of any order or ruling made in connection with the administration or enforcement of these regulations, and request that the court adjudge to the [Insert Local Government] such relief, by way of injunction or otherwise, which may be mandatory or otherwise, as may be proper under all the facts and circumstances of the case in order to fully effectuate the purposes of these Regulations and any order or ruling made pursuant thereto.
- C. Cumulative Penalties. The remedies provided in this section are cumulative in nature such that seeking civil penalty pursuant to section 5.3(A) does not preclude the [Insert Local Government] from seeking alternative relief, including an order for abatement or injunctive relief pursuant to section 5.3(B), in the same or separate action.

SECTION 6

AIRPORT BOARD OF ADJUSTMENT

6.1 Appointment

The [Insert Local Government Board] will serve as the Airport Board of Adjustment within the jurisdictional limits of the [Insert Local Government]. The Authority Planning Director, or his designee, shall serve as an ex-officio, non-voting member and shall provide an analysis of each appeal along with a recommendation on behalf of the Authority. The Airport Board of Adjustment will have and exercise all the powers permitted by the provisions of Chapter 333, Florida Statutes, this section and all other laws governing its activities and procedures. [Insert Local Government] Council may establish such rules of procedure or other processes to assist the Airport Board of Adjustment in carrying out its obligation hereunder,

including but not limited to the creation of an appropriately qualified Hearing Officer or Hearing Master to receive and analyze the submission of evidence and to provide a report on same to the Airport Board of Adjustment. Such Hearing Officer or Hearing Master may be appropriately compensated, if permitted by applicable law. Such process may result in limitations on the public hearing process before the Airport Board of Adjustment, but only if the Hearing Officer or Hearing Master process has a full and open public hearing in taking evidence and testimony to be used in determining its recommendations to the Airport Board of Adjustment.

6.2 Administrative Assistance

The Airport Zoning Director and the Authority Planning Director will provide such technical, administrative, and clerical assistance as is required by the Airport Board of Adjustment to carry out its function under these regulations.

6.3 Powers and Duties

The Airport Board of Adjustment will have the following powers and duties:

- A. Appeals. To hear and decide appeals from any order, requirement, decision, or determination made by the Airport Zoning Director in the application or enforcement of these Regulations.
- B. Abandoned or Deteriorated Uses. To hear and decide petitions to declare an existing nonconforming use abandoned or more than eighty percent (80%) torn down, destroyed, deteriorated, or decayed.

6.4 Appeals

Any applicant, land owner, or other lawful participant in such proceeding, who is affected by any decision of the Airport Zoning Director made in the administration of these regulations, or any governing body of a political subdivision, which is of the opinion that a decision of the Airport Zoning Director is an improper application of these Regulations, may appeal to the Airport Board of Adjustment. Such appeals must be filed no later than ten (10) calendar days after the date of notification of the decision appealed from by

filing with the Airport Zoning Director a notice of appeal specifying the grounds therefor. The Airport Zoning Director will transmit to the Airport Board of Adjustment copies of the record of the action appealed. An appeal stays all proceedings in furtherance of the action appealed from, unless the Airport Zoning Director certifies to the Airport Board of Adjustment after the notice of appeal has been filed that, by reason of facts stated in the certificate, a stay would result in imminent peril to life and property. In such case, proceedings will not be stayed other than by order by the Airport Board of Adjustment or by a court of competent jurisdiction, or notice to the Airport Zoning Director, and on due cause shown.

6.5 Abandoned or Deteriorated Uses

Upon petition by the Airport Zoning Director, or upon its own motion, the Airport Board of Adjustment may review any existing nonconforming use to determine if it is abandoned or more than eighty percent (80%) torn down, destroyed, deteriorated or decayed. Upon declaring an existing nonconforming use abandoned or more than eighty percent (80%) torn down, destroyed, deteriorated, or decayed, the Airport Board of Adjustment will proceed in accordance with the provisions set forth in section 4.4 of these regulations.

6.6 Forms

Appeals and petitions will be made on forms provided by the [Insert Local Government] therefor, and all information required on said forms must be provided by the appellant or petitioner. Forms will be filed with the Airport Zoning Director, and the appellant or petitioner must pay for expenses incidental to the appeal or petition. No form will be accepted unless it contains all pertinent information and is accompanied by any required fee.

6.7 Calendar of Appeals

Appeals and petitions filed in proper form will be numbered serially, docketed and placed upon the calendar of the Airport Board of Adjustment. The calendar of appeals or petitions to be heard will be

posted conspicuously on the [Insert Local Government]’s notice board at [Insert Local Government Address], fifteen (15) calendar days before such hearing date.

6.8 Judicial Review

Judicial review of any decision of the Airport Board of Adjustment will be in the manner provided by Section 333.11, Florida Statutes.

SECTION 7

AMENDMENT

These regulations, including the Airport Height Zoning Map, may be amended by the [Insert Local Government] on its own motion, so long as said amendment is in conformance with the Interlocal Agreement and Chapter 333, Florida Statutes. Before adopting an amendment to these regulations, the [Insert Local Government] will give public notice and hold a public hearing as provided by Section 333.05, Florida Statutes.

SECTION 8

CONFLICT WITH OTHER LAWS OR REGULATIONS

In the event of conflict between these regulations and any other laws and regulations applicable to the same area, whether the conflict be with respect to the height of the structures or objects of natural growth, the use of land or any other matter, and whether such laws or regulations were adopted by the [Insert Local Government] or by some other political subdivision, the more stringent limitation or requirement will govern and prevail.

SECTION 9

SEVERABILITY

If any section, clause, provision or portion of these regulations is held to be invalid or unconstitutional by any court of competent jurisdiction, said holding will not affect any other section, clause or portion of these regulations which is not itself declared by a court of competent jurisdiction to be invalid or unconstitutional.

SECTION 10

REPEAL OF CONFLICTING PROVISIONS

All previous ordinances, resolutions or motions of the [Insert Local Government] which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except as provided herein.

SECTION 11

AMENDMENT OF LAWS

All laws, ordinances, rules, regulations, advisory circulars or orders referenced in these regulations will include any applicable amendments thereto.

SECTION 12

EFFECTIVE DATE

These Airport Zoning Regulations will take effect and be enforced from and after this ____ day of _____, 2017.

EXHIBIT "A"

EXHIBIT “A”
The “Airports”

**Greater Orlando Aviation Authority
Composite of Critical Airport-Related
Imaginary Airspace Surfaces**

**Legend
AMSL Surface Elevations**



Notes:

1. See Sheets 2 and 3 of this exhibit set for MCO and ORL airspace surfaces modeled, respectively.
2. This Composite Map is intended for informational and conceptual planning purposes only and does not represent actual survey data nor should it be used in the development of an FAA Form 7460-1. The Greater Orlando Aviation Authority (GOAA) does not certify the accuracy or information or title to the properties contained in this plan nor make any warranties of any kind, express or implied, in fact or by law, with respect to boundaries, easements, restrictions, claims, overlaps, or other encumbrances affecting such properties.
3. Surface elevations are referenced in feet Above Mean Sea Level (AMSL - NAVD83).

4. This Composite Map does not replace the FAA's 7460-1 review process (see <http://www.faa.gov>). Consistency with the surfaces shown on this map does not ensure that the proposal will be acceptable to the FAA and air centers. GOAA reserves the right to re-assess, review and seek modifications to projects that may be consistent with this Composite Map but that through the FAA 7460-1 process are found to have unexpected impacts to MCO or ORL Airport safety or efficiency.
5. This map set is to be utilized in conjunction with the Airport Zoning Regulations being adopted pursuant to the Interlocal Agreement between jurisdictions underneath ORL and MCO Part 77 airspace as required by Chapter 233, Florida Statutes. The GOAA will provide said map sets in a GIS layer for use by each individual jurisdiction which will provide greater detail on the exact heights within each zone.



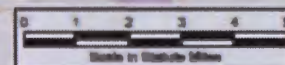
**GREATER ORLANDO
AVIATION AUTHORITY**

**SHEET 1 OF 3
ORLANDO INTERNATIONAL AIRPORT (MCO)
& ORLANDO EXECUTIVE AIRPORT (ORL)**

VERSION 1.1

June 2017

This drawing depicts the Above Mean Sea Level (AMSL) elevation of the most critical surface evaluated from CFR 14 Part 77.14, Terminal Instrument Procedures, and One Engine Inoperative criteria. For drawing clarity purposes, only the lowest airport-related imaginary airspace surfaces are shown.



Up to 100'
 100' to 200'
 200' to 300'
 300' to 400'
 400' to 500'
 Up to 540'

Future Runway Extension
 MCO Property Boundary

Airport Contour Interval = 10' @ 100'
 Airport Elevation = 30' AMSL

1. This Composite Map is intended for informational and conceptual planning purposes only and does not represent actual survey data nor should it be used in the development of a FIA Form 7400-1. The Greater Orlando Aviation Authority (GOAA) does not certify the accuracy or information or title to the properties contained in this plan nor make any warranties of any kind, express or implied, in fact or by law, with respect to boundaries, easements, restrictions, claims, overlaps, or other encumbrances affecting such properties.

2. This Composite Map does not replace the FAA's 746B-1 review process (see <http://www.faa.gov>). Consistency with the surfaces shown on this map does not ensure that the proposal will be acceptable to the FAA and air carriers. NOAA reserves the right to re-assess, revise and seek modifications to projects that may be consistent with this Composite Map but that through the FAA 746B-1 process are found to have unexpected impacts to MCO or ORLA/airports' safety or efficiency.

1. Surface elevations are referenced in feet above Mean Sea Level (MSL) - 1984/1985

4. This map set is to be utilized in conjunction with the Airport Zoning Regulations being adopted pursuant to the Interlocal Agreement between jurisdictions under the CRL and MCO Part 77 airspace as required by Chapter 213, Florida Statutes. The OQAA will provide said map sets in a GIS layer for use by each individual jurisdiction which will provide greater detail on the exact heights within each zone.

| <u>SURFACE TYPES</u> | <u>RUNWAYS</u> |
|-----------------------------|--------------------|
| CIRCLE-TO-LAND | ALL RUNWAYS |
| CACAO ONE ENGINE STOP | ALL RUNWAYS |
| CRN END DEPARTURES | ALL RUNWAYS |
| LS APPROACH | ALL RUNWAYS |
| SLS CAT III MISSED APPROACH | 17R, 18L, 25L, 36R |
| LOCALIZER APPROACH | 17R, 18L, 25L, 36R |
| RNAV APPROACH | ALL RUNWAYS |
| LPV APPROACH | ALL RUNWAYS |
| RNA (FIX) | ALL RUNWAYS |
| PORT Z | ALL RUNWAYS |
| VISIBILITY STRAIGHT-IN | ALL RUNWAYS |
| WYV APPROACH | ALL RUNWAYS |

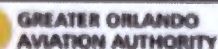
⁴ FINAL MISSED AND GOLF²² FRYER, HEDGECOCK AND 2-1 DRAFTING CO.

* FUTURE SURFACES BASED ON 1997 EXTENSION TO PLAYWYAT ABL END

100% EXTENSION TO AIRWAY 200 CM, AND 100% EXTENSION TO AIRWAY 170 CM.

* FUTURE CATS ARE PLANNED FOR 17L, 18R, 22R, AND 22L

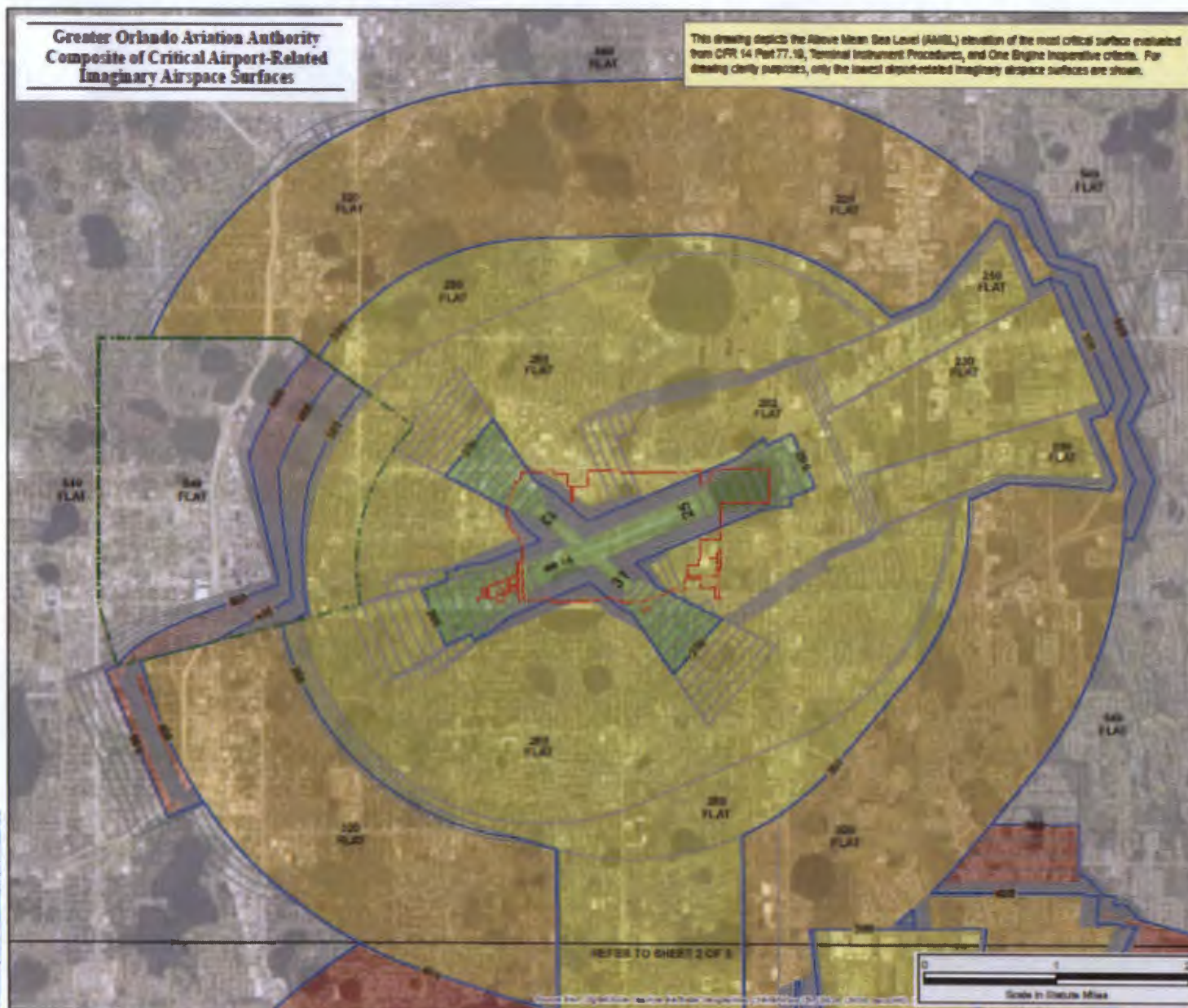
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This drawing depicts the Above Mean Sea Level (AMSL) elevation of the most critical surface evaluated from CFR 14 Part 77.19, Terminal Instrument Procedures, and One Engine Inoperative criteria. For drawing clarity purposes, only the lowest airport-related imaginary airspace surfaces are shown.



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1. This Composite Map is intended for informational and conceptual planning purposes only and does not represent actual survey data nor should it be used in the development of a FAA Form 7480-1. The Greater Orlando Aviation Authority (GOAA) does not certify the accuracy or information or title to the properties contained in this plan nor make any warranties of any kind, express or implied, in fact or by law, with respect to boundaries, easements, restrictions, claims, overlaps, or other encumbrances affecting such properties.

2. This Composite Map does not replace the FAA's 7480-1 review process (see <http://www.faa.gov>). Consistency with the surfaces shown on this map does not ensure that the proposal will be acceptable to the FAA and air carriers. NOAA reserves the right to re-assess, modify and deem modifications to projects that may be consistent with this Composite Map but that through the FAA 7480-1 process are found to have unexpected impacts to MCO or ORLA/airports' safety or efficiency.


3. Surface elevations are referenced in feet Above Mean Sea Level (AMSL - NGVD83)

4. This map set is to be utilized in conjunction with the Airport Zoning Regulations being adopted pursuant to the Interlocal Agreement between jurisdictions underneath ORL and MCO Part 77 airspace as required by Chapter 333, Florida Statutes. The GOAA will provide said map sets in a GIS layer for use by each individual jurisdiction which will provide greater detail on the exact heights within each zone.

COMPOSITE MAP PARAMETERS

| SURFACE TYPES | RUNWAYS |
|------------------------|----------------|
| CIRCLE-TO-LAND | ALL RUNWAYS |
| FT STRONG DEPARTURE* | ALL RUNWAYS |
| LS APPROACH | 7, 20 |
| LOCALIZER APPROACH* | 7, 20 |
| LSM APPROACH** | 7, 20 |
| LPV APPROACH | 7, 20 |
| RNA (RNA) | ALL RUNWAYS |
| PORT TP | ALL RUNWAYS |
| VELOCITY (STRAIGHT-IN) | ALL RUNWAYS |
| UNIV APPROACH* | 7, 20 |

- * FEEL, MEASURE AND CUT
- * FEEL, MEASURE AND 7-1 DIFFERENCE
- * FOLDING SURFACES BASED ON THE EXTENSION TO GLASSY / END WITH THE DISPLAYED THICKNESS



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SHEET 3 OF 3

ORLANDO EXECUTIVE AIRPORT (ORL)

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